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REMARKS

Applicants appreciate the Office Action of July 25, 2005. Applicants have canceled the non-elected claims, Claims 22 and 24, from the present application as these claims were not cancelled responsive to the restriction requirement. Applicants have amended Claims 1, 2 and 23 to address the 112 rejections. Applicants have also amended independent Claims 1 and 23 as set out above. Applicants respectfully submit that the amended independent claims and the claims that depend therefrom are in condition for allowance, which is respectfully requested in due course.

The Section 112 Rejections

Claims 1 and 2 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. *See* Office Action, page 2. Applicants have removed the word "its" from Claims 1, 2 and 23 and replaced it with a reference to the currently-executing application. Accordingly, Applicants respectfully submit that these claims are in compliance with 35 U.S.C. § 112 and request withdrawal of the rejections associated therewith.

The Section 102 Rejections

A. Claims 1-7, 9-12 and 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,280,470 to Buhrke et al. (hereinafter "Buhrke"). *See* Office Action, page 2. Applicants respectfully submit that many of the recitations of these claims are neither disclosed nor suggested by Buhrke. For example, amended Claim 1 recites:

A method of improving traffic management in a computing network, comprising steps of:
detecting a changed environmental condition;
generating a notification of the detected condition;
analyzing the generated notification by consulting one or more criteria; and
determining at a currently-executing application, based on the analysis, whether the currently-executing application should modify a behavior of the currently-executing application.

Amended Claim 23 contains corresponding system recitations. Applicants respectfully submit that at least the highlighted recitations of amended Claim 1 are neither disclosed nor suggested by Buhrke.

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The Office Action points to Buhrke as teaching all of the recitations of Claim 1. *See* Office Action, page 3. Buhrke discusses the negotiation process between the terminal equipment (TE1 and TE2) and the network switch 4 before a virtual channel is established. *See* Buhrke, column 5, lines 1 through 14. In other words, the terminal equipment TE1/TE2 sends a request to the switch 4 specifying a minimum quality of service (rate) it can tolerate for the information to be transmitted. *See* Buhrke, column 5, lines 1 through 10. The switch can either accept the quality of service terms provided by the terminal equipment, reject the quality of service terms provided by the terminal equipment or modify the quality of service terms provided by the terminal equipment. *See* Buhrke, column 5, lines 10 through 14 and lines 20-33. If the switch modifies the quality of service terms, the terminal equipment may either accept or reject the modified terms. If the terminal equipment and the switch reach an agreement, the virtual channel can be established having these minimum agreed upon quality of service terms. Buhrke also discusses modification of the quality of service terms after the virtual channel has been set up. *See* Buhrke, column 5, lines 34-46. This modification is initiated by the switch by requesting a load reduction from the terminal equipment. *See* Buhrke, column 5, lines 37-39.

In contrast, amended Claim 1 recites "determining *at a currently-executing application*, based on the analysis, whether *the currently-executing application should modify a behavior of the currently-executing application*." Thus, the currently-executing application actually determines if a modification is needed and modifies its own behavior, this determination is not made at a switch as discussed in Buhrke. As recited in the specification of the present application the "file or traffic stream is adapted for the current environmental conditions during its (the file or traffic streams) creation — that is, by the application which originally creates the data." *See* Specification, page 15, lines 9-11. Thus, the currently-executing application of the present application "participates in ensuring that traffic management operates efficiently and effectively." *See* Specification, page 17, lines 9-10. Thus, the teachings of Claim 1 may do away with the need for Buhrke because the "quality of service" may be determined by the application itself without any interaction with a switch. Accordingly, nothing in Buhrke discloses or suggests determining *at a currently-executing application*, based on the analysis, whether *the currently-executing application should modify a behavior of the currently-executing application* as recited in amended Claim 1 for at least these reasons.

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Accordingly, Applicants submit that amended independent Claims 1 and 23 are patentable over Buhrke for at least the reasons discussed above. Furthermore, Applicants submit that the dependent claims are patentable at least per the patentability of the independent base claims from which they depend.

Many of the dependent claims are also separately patentable. For example, Claim 3 recites:

> The method according to Claim 2, wherein the modification comprises reducing a size of one or more data objects generated by the currently-executing application.

The Office Action points to a portion of Buhrke that teaches reducing a rate of cells as teaching the recitations of Claim 3. *See* Office Action, page 3. However, Claim 3 recites "reducing a size of one or more data objects," not the rate at which these data objects are sent. Again, as discussed above, the currently-executing application actually reduces the size of the data objects transmitted responsive to based on the analysis. Nothing in Buhrke discloses or suggests such a reduction as recited in Claim 3. Accordingly, Applicants submit that Claim 3 is separately patentable over Buhrke for at least these additional reasons.

Claim 4 recites:

> The method according to Claim 2, wherein the modification comprises reducing data retrieval by the currently-executing application.

Again, Buhrke discusses a negotiation of rate between the terminal equipment and the switch. Nothing in Buhrke discloses or suggests a reduction in retrieval by the application as recited in Claim 4. Accordingly, Claim 4 is separately patentable over Buhrke for at least these additional reasons.

Similarly, Claims 5, 6, 7 and 9 recite "wherein the modification comprises dropping one or more connections with the currently-executing application," "wherein the modification comprises increasing a size of one or more data objects generated by the currently-executing application," "wherein the modification comprises increasing data retrieval by the currently-executing application," and "wherein the modification comprises changing the currently-executing application's use of one or more other applications." Buhrke discusses a negotiation of rate between the terminal equipment and the switch. Nothing in Buhrke discloses or suggests the modifications recited in Claims 5 through 7 and 9. Accordingly, Claims 5 through 7 and 9 are separately patentable over Buhrke for at least these additional reasons.

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B.   Claims 1 and 13-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,835,484 to Yamato et al. (hereinafter "Yamato"). *See* Office Action, page 5. Applicants respectfully submit that many of the recitations of these claims are neither disclosed nor suggested by Yamato. For example, Applicants respectfully submit that at least the highlighted recitations of amended Claim 1 set out above are neither disclosed nor suggested by Yamato.

The Office Action points to Yamato as teaching all of the recitations of Claim 1. *See* Office Action, page 5. Yamato discusses a system including a cell traffic regulation unit that is configured to regulate congestion. In contrast, amended Claim 1 recites "determining *at a currently-executing application,* based on the analysis, whether *the currently-executing application should modify a behavior of the currently-executing application.*" Thus, the currently-executing application actually determines if a modification is needed and modifies its own behavior, this determination is not made at a cell traffic regulation unit as discussed in Yamato. As recited in the specification of the present application the "file or traffic stream is adapted for the current environmental conditions during its (the file or traffic streams) creation -- that is, by the application which originally creates the data." *See* Specification, page 15, lines 9-11. Thus, the currently-executing application of the present application "participates in ensuring that traffic management operates efficiently and effectively." *See* Specification, page 17, lines 9-10. Thus, the teachings of Claim 1 may do away with the need for Yamato's cell traffic regulation unit because the regulation may be done by the application itself without any interaction with a switch. Accordingly, nothing in Yamato discloses or suggests determining *at a currently-executing application,* based on the analysis, whether *the currently-executing application should modify a behavior of the currently-executing application* as recited in amended Claim 1 for at least these reasons.

Accordingly, Applicants submit that amended independent Claim 1 is patentable over Yamato for at least the reasons discussed above. Furthermore, Applicants submit that the dependent claims are patentable at least per the patentability of the independent base claims from which they depend.

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The Section 103 Rejection

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being anticipated by Buhrke in view of United States Patent No. 5,983,723 to Nahidipour et al. (hereinafter "Yamato"). *See* Office Action, page 6. As discussed above, Applicants respectfully submit that dependent Claim 8 is patentable at least per the patentability of independent Claim 1 from which it depends.

CONCLUSION

Applicants respectfully submit that pending claims are in condition for allowance for at least the reasons discussed above. Thus, allowance of the pending claims is respectfully requested in due course. Favorable examination and allowance of the present application is respectfully requested.

Respectfully submitted,

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